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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,626	11/30/2000	Arthur Wong	7880M	5406

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EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,626

Applicant(s)

WONG ET AL.

Examiner

Elizabeth M Cole

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 31-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 31-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1771

1. Applicant's election with traverse of Group I in Paper No. 9 is acknowledged. The traversal is on the ground(s) that claim 40 should be included with Group I since it depends from claim 1. This is not found persuasive because claim 40 is related to claim 1 as an intermediate/final product. The fact that claim 40 depends from claim 1 does not change this relationship.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 17, 19-20, 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 17 there is no antecedent basis for "the scrim". It appears that claim 17 should depend from claim 15, not claim 14 since no scrim is recited in claim 14. In claims 19-20, it is not clear what is meant by "low effective level". Does this mean that only a small amount of additive is applied, or that the additive is only minimally effective. In claims 26-28, the reference to "a cleaning sheet that has a random macroscopic three dimensional character" as compared to the inventive sheet renders the claim vague and indefinite because it is not clear if the comparative sheet is identical in all respects except for the random three dimensional character. Also, in claim 26, it is not clear what is meant by "consumer panel testing", i.e., what tests were applied, what characteristics were being evaluated.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 1771

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Green way, U.S.

Patent No. 5,281,461. Green way discloses a nonwoven polyester fabric which is hydro entangled in order to form a uniform pattern of protuberances. See col. 3, lines 3-14 and example

1. Green way teaches carding of polyester staple fibers before hydroentangling is conventional.

See col. 1, lines 25-42 and col. 4, lines 56-61.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green way,

U.S. Patent No. 5,281,461. Green way discloses a nonwoven polyester fabric which is hydro entangled in order to form a uniform pattern of protuberances. See col. 3, lines 3-14 and example

1. Green way teaches carding of polyester staple fibers before hydroentangling is conventional.

See col. 1, lines 25-42 and col. 4, lines 56-61. Green way differs from the claimed invention because it does not disclose the precise patterns claimed and does not disclose the average height differential. However, Green way does teach that the pattern on the fabric will directly reflect the pattern on the forming surface. Therefore, it would have been obvious to one of ordinary skill in the art to have selected the appropriate patterns which would produce the desired characteristics such as softness, hand, etc in the final product.

Art Unit: 1771

7. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green way as applied to claims 1-14 above, and further in view of Shizumo et al, U.S. Patent No. 5,525,397. Green way does not teach incorporating a scrim into the fabric. Shizumo et al teaches that a hydro entangled nonwoven may have a scrim further incorporated into it in order to strengthen and stabilize the fabric and allow for the formation of a nonwoven which has excellent cleaning ability. See col. 1, line 36- col. 2, line 6. . The scrim may comprise a polyolefin such as polypropylene. See col. 3, lines 39-47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scrim as taught by Shizumo into the fabric of Green way. One of ordinary skill in the art would have been motivated to incorporate a scrim into the nonwoven of Green way because Shizumo teaches that this strengthens and stabilizes the fabric and enhances the cleaning ability of a nonwoven fabric.

8. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green way in view of Shizumo as applied to claims 15-18 above, and further in view of Floyd et al, , U.S. Patent No. 4,683,001 Neither Green way nor Shizumo teach applying a polishing composition to the nonwoven. Floyd teaches that a polishing composition comprising mineral oil and waxes may be applied to a nonwoven sheet in order to enhance the cleaning ability of the sheet. See abstract. The amount applied in example 4 of 3.9% by weight of the wipe meets the claimed amounts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a polishing agent such as the one taught by Floyd into the nonwoven fabric. One of ordinary skill in the art would have been motivated to incorporate the polishing agent

Art Unit: 1771

because this would enhance the polishing and wiping ability of the nonwoven and obviate the need for additional cleaners, etc., to be used with the wipers.

9. Claims 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green way in view of Shizumo as applied to claims 15-18 above, and further in view of Lin, U.S. Patent No. 5,280,664. Neither Green way nor Shizumo teach putting the nonwoven onto a handle. Lin teaches that nonwoven fabrics may be affixed to handles, used and then removed and disposed of. Therefore, it would have been obvious to one of ordinary skill in the art to have affixed the nonwoven fabric to a handle in order to form a cleaning implement with a replaceable wiper. One of ordinary skill in the art would have been motivated to affix the nonwoven to a handle in order to form a cleaning implement because the use of a handle enables the nonwoven wipe to be used to clean surfaces such as floors, wall, ceilings, etc., which it would be uncomfortable or inconvenient to clean using a wiping cloth alone.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.

Serial Number: 09/729,626

Page 5

Art Unit: 1771

A handwritten signature in cursive script, appearing to read "Elizabeth M. Cole".

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c

April 15, 2003